

AMENDED IN SENATE APRIL 20, 2009

**SENATE BILL**

**No. 702**

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**Introduced by Senator DeSaulnier**

February 27, 2009

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~~An act to amend Sections 11368, 11407, and 16001.7 of the Welfare and Institutions Code, relating to children. An act to amend Section 1596.60 of the Health and Safety Code, relating to child day care.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 702, as amended, DeSaulnier. ~~Public social services for children and youth. Ancillary day care centers: employees: trustline providers.~~

*Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of community care and residential facilities, including, but not limited to, child day care facilities, by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a crime.*

*Existing law requires the State Department of Social Services to establish a trustline registry and, upon submission of the trustline application and fingerprints, to enter into the trustline registry the provider's name, identification card number, and an indicator that the provider has submitted an application and fingerprints, which would be known as a "trustline applicant."*

*This bill would specify that the trustline registration provisions apply to an employee of an ancillary day care center, as defined.*

~~(1) Existing law, through the Kinship Guardianship Assistance Payment Program (Kin-GAP), which is a part of the CalWORKs program, provides aid on behalf of eligible children who are placed in the home of a relative caretaker. The program is funded by state and county funding and available federal funds. Existing law requires the~~

~~State Department of Social Services to seek any necessary waiver from the federal Secretary of Health and Human Services to implement the Kin-GAP Program, and requires the Director of Social Services to execute a specified declaration relating to the scope of the waiver.~~

~~This bill would require the declaration, when issued, to be submitted to the chairs of the Legislature's human services committees.~~

~~Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds. Existing law requires the department to establish regulations necessary for the state to qualify for available federal funding for certain children who are granted aid pursuant to a specified provision of existing law.~~

~~This bill would require the regulations, when completed, to be submitted to the chairs of the Legislature's human services committees.~~

~~(2) Existing law declares the duty of the state to care for and protect the children that it places into foster care. Under existing law, the department has various powers and duties relating to ensuring that the needs of foster children are met by local child welfare agencies and foster care providers. Existing law requires the department to contract with the California Youth Connection to provide technical assistance and outreach to current and former foster youth, including developing educational materials and forums related to foster care.~~

~~This bill would require that the development of educational materials and forums by the California Youth Connection include materials about financial literacy.~~

~~(3) This bill would declare the intent of the Legislature to enact legislation to conform specified provisions of existing law relating to public social services for children with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

- 1 *SECTION 1. Section 1596.60 of the Health and Safety Code*
- 2 *is amended to read:*
- 3 *1596.60. For the purposes of this chapter, the following*
- 4 *definitions shall apply:*

1 (a) “Department” means the State Department of Social  
2 Services.

3 (b) “Director” means the Director of Social Services.

4 (c) “Trustline provider,” “license exempt child care provider,”  
5 or “provider,” for the purposes of this chapter means a person 18  
6 years of age or older who provides child care, supervision, or any  
7 person providing in-home educational or counseling services to a  
8 minor, and who is not required to be licensed pursuant to Section  
9 1596.792. *“Provider,” for the purposes of this chapter, also means*  
10 *an employee of an ancillary day care center.*

11 (d) *“Ancillary day care center” means a day care center, as*  
12 *defined in Section 1596.76, that is associated with an athletic club,*  
13 *grocery store, mall, shop, or other business or group of businesses*  
14 *that provides a day care center that is ancillary to its principal*  
15 *business activity and that provides day care services, with or*  
16 *without a fee, for the children of its clients or customers while the*  
17 *clients or customers are engaged in shopping for, or purchasing,*  
18 *goods or services from that business or group of businesses.*

19 ~~SECTION 1.— It is the intent of the Legislature to enact~~  
20 ~~legislation amending the following provisions in order to conform~~  
21 ~~state law with the federal Fostering Connections to Success and~~  
22 ~~Increasing Adoptions Act of 2008 (P.L. 110-351):~~

23 ~~(a) Article 4.5 (commencing with Section 11360) and Article~~  
24 ~~5 (commencing with Section 11400) of Chapter 2 of Part 3 of~~  
25 ~~Division 9 of the Welfare and Institutions Code.~~

26 ~~(b) Chapter 6.2 (commencing with Section 13750) of Part 3 of~~  
27 ~~Division 9 of the Welfare and Institutions Code.~~

28 ~~(c) Part 4 (commencing with Section 16000) of Division 9 of~~  
29 ~~the Welfare and Institutions Code.~~

30 ~~(d) Chapter 4 (commencing with Section 17730) of Part 5.5 of~~  
31 ~~Division 9 of the Welfare and Institutions Code.~~

32 ~~SEC. 2.— Section 11368 of the Welfare and Institutions Code is~~  
33 ~~amended to read:~~

34 ~~11368. (a) The department shall seek any waiver from the~~  
35 ~~Secretary of the United States Department of Health and Human~~  
36 ~~Services that is necessary to implement this article.~~

37 ~~(b) Any provision of this article that may only be implemented~~  
38 ~~pursuant to a waiver described in subdivision (a) shall only be~~  
39 ~~operative during the period for which the waiver is granted, as~~  
40 ~~stated in a declaration that shall be executed by the director when~~

1 the waiver is obtained. A copy of the declaration, when issued,  
2 shall be submitted to the chairs of the Senate Human Services  
3 Committee and the Assembly Human Services Committee.

4 SEC. 3. Section 11407 of the Welfare and Institutions Code is  
5 amended to read:

6 11407. If, when and during those times that the federal statutes  
7 provide federal funds for any child who is granted aid pursuant to  
8 subdivision (b) of Section 11450, the department shall establish  
9 any regulations necessary for the state to qualify for any federal  
10 funds available. A copy of the regulations, when completed, shall  
11 be submitted to the chairs of the Senate Human Services Committee  
12 and the Assembly Human Services Committee.

13 SEC. 4. Section 16001.7 of the Welfare and Institutions Code  
14 is amended to read:

15 16001.7. (a) The department shall promote the participation  
16 of current and former foster youth in the development of state  
17 foster care and child welfare policy. Subject to the availability of  
18 funds, the department shall contract with the California Youth  
19 Connection to provide technical assistance and outreach to current  
20 and former foster youth. In executing this contract, the  
21 responsibilities of the California Youth Connection shall include,  
22 but are not limited to, all of the following:

23 (1) Providing leadership training to current and former foster  
24 youth between the ages of 14 and 21 years.

25 (2) Providing outreach and technical assistance to current and  
26 former foster youth to form and maintain California Youth  
27 Connection chapters, including recruiting and training adult  
28 volunteer supporters.

29 (3) Enabling foster youth to be represented in policy discussions  
30 pertinent to foster care and child welfare issues.

31 (4) Enhancing the well-being of foster youth and increasing  
32 public understanding of foster care and child welfare issues.

33 (5) Developing educational materials and forums related to  
34 foster care, including materials about financial literacy.

35 (b) Funds provided to the California Youth Connection pursuant  
36 to the contract shall not be used for activities not allowed under  
37 federal law relating to the receipt of federal financial participation

- 1 ~~for independent living services, including, but not limited to,~~
- 2 ~~lobbying and litigation.~~

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